

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

COLIN LEE BASHANT,

Petitioner,

v.

GENTNER DRUMMOND,

Respondent.

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Case No. CIV-23-591-G

ORDER

Petitioner Colin Lee Bashant, a state prisoner appearing pro se, filed a habeas petition and an application seeking leave to proceed *in forma pauperis*. The matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings in accordance with 28 U.S.C. § 636.

On July 10, 2023, Judge Purcell issued a Report and Recommendation (Doc. No. 5) finding that Petitioner has available funds sufficient to prepay the \$5.00 filing fee and recommending that Petitioner's application for leave to proceed *in forma pauperis* be denied. Petitioner timely filed an Objection to the Report and Recommendation (Doc. No. 6). In his Objection, Petitioner argues that he does not have sufficient funds "to pay a \$350.00 filing fee." *See* Obj. (Doc. No. 6) at 2.

The filing fee for a petition for a writ of habeas corpus is \$5.00, however. *See* 28 U.S.C. § 1914. The undersigned agrees with Judge Purcell that Petitioner has sufficient financial resources to pay the \$5.00 filing fee as his institutional account has a current

balance of \$32.33 and his average monthly balance for the previous six months is \$87.22. *See* R. & R. (Doc. No. 5) at 1 (citing Doc. No. 2 at 3, 4).

Accordingly, the Court ADOPTS the Report and Recommendation (Doc. No. 5) in its entirety. Petitioner's application for leave to proceed *in forma pauperis* (Doc No. 2) is DENIED.

Petitioner is advised that unless he pays the \$5.00 filing fee in full to the Clerk of the Court on or before August 28, 2023, or shows good cause for his failure to do so, this action shall be subject to dismissal without prejudice. *See* LCvR 3.3(e).

IT IS SO ORDERED this 7th day of August, 2023.



CHARLES B. GOODWIN
United States District Judge